

REMARKS/ARGUMENTS

Claims 19-25 remain in this application. Claims 1-18 are cancelled without prejudice.

Basis for New Claims

Applicant submits that the new claims 19-25 do not introduce new matter, as discussed in more detail herein below.

Specific features in new claim 19 have bases as follows:

<u>Feature in claim 19</u>	<u>Basis</u>
dissolution test	originally-filed claim 2, preamble
passing a release medium through a cell	originally-filed claim 2, step a)
adding a test sample to said cell	originally-filed claim 2, step b)
passing said release medium through said cell such that any undissolved portion of said test sample is transferred out of said cell	originally-filed claim 2, step c)
removing samples of said release medium from said cell, such that said samples of said release medium do not contain any undissolved material	originally-filed claim 2, step d)
maintaining the temperature of said cell at the desired temperature for the duration of said dissolution test	originally-filed claim 2, step e)
analyzing said samples of said release medium from said cell to determine the concentration of substance dissolved from said test sample	specification, p. 10, lines 311-315 discloses removing samples from the cell and analyzing them
optionally, repeating said step of analyzing said samples of said release medium at multiple time during the duration of said dissolution test	specification p. 3, lines 68-69, and the final clause of originally-filed claim 1
wherein said dissolution test is performed using apparatus	originally-filed claim 2, preamble
a supply of said release medium that can be continuously passed into said cell	originally-filed claim 1, step b)
a means for transferring solid particles out of said cell	specification p. 2, line 61 and p. 7, lines 215-216.
a means of mixing said sample and said release medium	originally-filed claim 1, fourth "wherein" clause
wherein said solid particles are of small particles size	originally-filed claim 1, second "wherein" clause

The subject matter of new claim 20 is the same as the subject matter of the "wherein further" clause of originally-filed claim 3, step f).

The "fluid of physiological relevance" recited in new claim 21 is disclosed in the present specification on p. 8, lines 222-223.

The list of release media recited in new claim 22 are disclosed in the present specification on p. 2, line 37 and on p. 8, lines 222-223.

The "active substance used in the pharmaceutical industry" recited in new claim 23 is disclosed in the present specification on p. 1, line 4.

The "objectional taste" recited in new claim 24 is disclosed in the present specification on p. 1, line 5.

The tubing recited in new claim 25 is disclosed in the present specification on p. 7, lines 217-218.

Response to Objections to Claims 1-3

In an Office Action mailed on March 21, 2003, the Examiner objected to the use of the plural word "cells" in claims 1-3. In new claim 19, this informality has been corrected.

Response to Rejection of Claims 1-3 under 35 USC 112, second paragraph

In the Office Action mailed on March 21, 2003, the Examiner rejected claims 1-3 as being indefinite because of the phrase "cell is capable of transferring . . . out of said cell." The Examiner asked if "means for transferring" is intended. New claim 19 has included this feature as a "means for transferring." Applicant submits that this feature of new claim 19 is definite.

Response to Rejection of Claim 1 under 35 USC 103(a) over Li (US 6,004,822)

In the Office Action mailed on March 21, 2003, the Examiner rejected claim 1 under 35 USC 103(a) as being obvious over Li (US 6,004,822). Claim 1 is cancelled; Applicant submits that this rejection is now moot.

Allowability of Claims 2-3

In the Office Action mailed on March 21, 2003, the Examiner also stated that claims 2-3 would be allowable if they were re-written to overcome the above-mentioned rejection under 35 USC 112 and if they were re-written include the limitations of the base claim.

Applicant submits that new claim 19 contains the same subject matter as originally-filed claims 1 and 2. Further, Applicant submits that new claim 19 does not have the informalities and indefiniteness that the Examiner stated were present in originally-filed claims 1-3. Therefore, Applicant submits that new claim 19 is in condition for allowance.

Similarly, Applicant submits that new claim 20 contains the same subject matter as originally-filed claims 1 and 3. Further, Applicant submits that new claim 20 does not have the informalities and indefiniteness that the Examiner stated were present in originally-filed claims 1-3. Therefore, Applicant submits that new claim 20 is in condition for allowance.

New claims 21-25 are dependent on new claim 19. Therefore, Applicant submits that new claims 21-25 are also in condition for allowance.

Response to Rejections of Claim4-10

In the Office Action mailed on July 9, 2004, the Examiner rejected claims 4-10 on various grounds. The Examiner noted in that Office Action that claims 4-10 are apparatus claims, unlike the the method claims "previously indicated as allowable." Because new claims 19-25 are method claims, Applicants submit that the rejections to claims 4-10 are now moot.

Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request the Examiner to reexamine the claimed subject matter, to withdraw the rejections of the claimed subject matter, and to allow claims 19-25 at this time. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

A fee of \$790 is submitted herewith, for the Request for Continued Examination also submitted herewith. No additional fees are believed to be due with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

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Respectfully Submitted,



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